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Attorneys for Plaintiff UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 05-00400 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME
v.)	FROM SPEEDY TRIAL CALCULATION
ANDRE BENARD,)	
)	
Defendant.)	

With the agreement of the parties, the Court enters this Order excluding the time period from September 23, 2005, through October 25, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161. The parties agree, and the Court finds and holds, as follows:

1. The parties appeared before the Court on September 23, 2005, for a status hearing. Defense counsel requested that the firearm at issue in this case be tested for the presence of DNA. The United States agreed to submit the firearm for DNA testing on an expedited basis. Because this analysis will require several weeks to complete, at the request of both parties the Court excluded time based on the need for effective preparation of counsel and set a further status hearing date of October 25, 2005 at 11:00 a.m.

2. In light of the foregoing facts, the parties have stipulated and continue to stipulate that the failure to grant the requested continuance would unreasonably deny the Defendant

1 effective preparation of counsel taking into account the exercise of due diligence, that the ends of
2 justice would be served by the Court excluding the proposed time period, that these ends
3 outweigh the best interest of the public and the Defendant in a speedy trial, and that the time
4 period from September 23, 2005 through October 25, 2005 shall be excluded from the Speedy
5 Trial Act calculation. 18 U.S.C. § 3161(h)(8)(A), (B)(iv).

6 SO STIPULATED.

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8 DATED: 9/29/05

/S/ Mark Goldrosen
MARK GOLDROSEN
Attorney for Defendant Andre Benard

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11 DATED: 9/29/05

/S/ Edward Torpoco
EDWARD TORPOCO
Assistant United States Attorney

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13 In light of the foregoing facts, and with the consent of the parties, the Court hereby orders
14 that the period from September 23, 2005 through October 25, 2005 be excluded from the Speedy
15 Trial Act calculation under 18 U.S.C. § 3161(h)(8)(A), B(iv).

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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18 DATED: _____

